



Patent
45198.00047.UTL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Reddy et al.) Group Art Unit: TBA
Serial No.: 10/698,924) Examiner: TBA
Filed: October 31, 2003)
For: NOVEL CYCLIC PHOSPHATE)
DIESTERS OF 1,3-PROPANE-1-ARYL)
DIOLS AND THEIR USE IN PREPARING)
PRODRUGS)

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents:

- Form PTO/SB/08A;
- Copies of fifty-seven (57) cited references; and
- Return Postcard.

No fee is believed due with this submission; however, the Commissioner is authorized to charge any fee required, or to credit any overpayment, to our Deposit Account No. 50-2613.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Feb. 26, 2004
Date of Deposit

Ashley Clark
Name of Person/Mailing Paper

Ashley Clark
Signature of Person Mailing Paper

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Dated: 2/26/04

By: Diana L. Bush
Diana L. Bush
Reg. No. 51,109

PAUL, HASTINGS, JANOFSKY & WALKER LLP
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San Diego, CA 92191-9092
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DIOLS AND THEIR USE IN PREPARING)
PRODRUGS)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the Applicant's duty under 37 CFR § 1.56, the following information is brought to the attention of the Examiner.

CERTIFICATE OF MAILING
(37 CFR §1.8 a)

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Feb. 26, 2004
Date of Delivery

Ashley Clark
Name of Person Delivering Paper
Ashley Clark
Signature of Person Delivering Paper

REFERENCES

The references are listed on the attached Form PTO/SB/08a and copies are enclosed for the convenience of the Examiner.

Copies of the references listed on the attached Form PTO/SB/08a have already been submitted in corresponding Patent Application No. _____ and therefore, copies of the same are not enclosed.

The items identified in this Information Disclosure Statement may or may not be "material" pursuant to 37 CFR § 1.56 and the submission thereof by Applicant shall not be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

The filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR § 1.56, exists.

DISCLOSURE

The attached IDS is being filed in accordance with 37 CFR §§ 1.97 and 1.98. This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b)(3), that is before the mailing of a first Office Action on the merits. Thus, no petition or fee is required. However, if the undersigned representative of Applicant is in error in this regard, then the Examiner is requested to consider this IDS as filed under § 1.97(c)

The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(c) and 1.98. This IDS is being filed after an action on the merits but before a Final Action under § 1.113 or a Notice of Allowance under § 1.311. In the event that this IDS is not received before a Final Action under § 1.113 or a Notice of Allowance under § 1.311, the Applicant respectfully requests the filing of these papers to be considered a petition requesting consideration of this IDS pursuant to 37 CFR § 1.97(d).

The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(d) and 1.98. This IDS is being filed after receipt of a final action but before receipt of a Notice of Allowance Under § 1.311.

I certify that pursuant to 37 CFR 1.97(e)(1), each item of information contained in this Information Disclosure Statement was first cited in any communication (International Search Report – copy enclosed) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

I certify that pursuant to 37 CFR 1.97(e)(2), no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best of my knowledge, no item of information contained in this Information Disclosure Statement was known to any individual more than three months prior to the filing of this Information Disclosure Statement.

PAYMENT METHOD

Enclosed is a check to cover the fee pursuant to 37 CFR § 1.17(p).

The Examiner is hereby authorized to charge any fee due with this filing to our Deposit Account No. **50-2613**.

The Examiner is hereby authorized to charge any additional fee(s) required by this paper to our Deposit Account No. **50-2613**.

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER

Dated: 2/26/04

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PTO/SB/08A (08-00)

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

6

Complete if Known

Application Number	10/698924
Filing Date	31 Oct 2003
First Named Inventor	Reddy et al.
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket Number	45198.00047.UTL

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
AA	4,537,772			De Castro et al.	08-01-1995	
AB	4,692,441			Alexander et al.	09-08-1987	
AC	4,729,989			Alexander et al.	03-08-1988	
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AL	5,077,280			Sommadossi et al.	12-31-1991	
AM	5,118,672			Schinazi et al.	06-02-1992	
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BE	6,284,748			Dang et al.	09-04-2001	
BF	6,294,672			Reddy et al.	09-25-2001	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation is not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/698,924
Sheet	2	of	6	Filing Date	31 Oct 2003
				First Named Inventor	Reddy et al.
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	45198.00047.UTL

BG	6,312,662	Erion	11-06-2001	
BH	6,391,305	Feng et al.	05-21-2002	
BI	6,395,716	Gosselin et al.	05-28-2002	
BJ	6,399,782	Kasibhatla et al.	06-04-2002	
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BX	2002-011-5596	Gosselin et al.	08-29-2002	
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CA	2002-019-3415	Sommadossi et al.	05-23-2001	
CB	2003-005-0229	LaColla et al.	03-27-2003	
CC	2003-006-0400	Imbach et al.	06-15-2001	
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CE	2003-023-2760	Garsky et al.	06-06-2003	
CF	2004-000-6007	Gosselin et al.	09-30-2002	
CG	2004-000-6002	Sommadossi et al.	09-30-2002	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number ⁴			
CH	GB	2266525	A	Davies et al.	11-03-1993	
CI	GB	2266527	A	Davies et al.	03-17-1999	
CJ	NL	6511420			09-01-1965	
CK	WO	95/07287	A1	Gosselin et al.	03-16-1995	
CL	WO	97/49717	A1	Kazmina et al.	12-31-1997	

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/698,924
Sheet	3	of	6	Filing Date	31 Oct 2003
				First Named Inventor	Reddy et al.
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	45198.00047.UTL

/ CM	WO	00/009531	A2	Novirio Pharm.	02-24-2000		
/ CN	WO	00/03998	A1	La Colla et al.	01-27-2000		
/ CO	WO	01/090121	A2	Sommadosi et al.	11-29-2001		
✓ CP	WO	01/92282	A2	Sommadosi et al.	12-06-2001		
CQ	WO	02/083126	A1	La Colla et al.	10-24-2002		
CR	WO	04/0003000	A2	Sommadossi et al.	01-08-2004		
CS	WO	04/002999	A2	Sommadossi et al.	01-08-2004		
/ CT	WO	04/002422	A2	Sommadossi et al.	01-08-2004		
/ CU	WO	03/026675	A1	Gosselin et al.	04-03-2003		
✓ CV	WO	03/026589	A2	Gosselin et al.	04-30-2003		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ²	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ³
	CW	ALEKSIUK et al., <i>J. Chem. Soc. Chem. Comm.</i> (1)11, (1993).	
	CX	ATTANSI et al., <i>Phosphorus Sulfur</i> 35(1-2), 63 (1988).	
	CY	AYRAL-KALOUSTIAN et al., <i>Carbohydr. Res.</i> 187 (1991).	
	CZ	BHATIA et al., <i>Tetrahedron Lett.</i> 28(3), 271 (1987).	
	DA	BIJSTERBOSCH et al., <i>Antimicrob Agents Chemother.</i> May, 42(5): 1146-50 (1998).	
	DB	CHU et al., <i>J. Het. Chem.</i> 22:1033 (1985).	
	DC	COPPI et al. <i>J. Org. Chem.</i> 53:911 (1988).	
	DD	DYATKINA et al., <i>Tetrahedron Lett.</i> 35(13), 1961 (1994).	
	DE	FERRONI et al., <i>J. Org. Chem.</i> 64(13), 4943 (1999).	

Examiner Signature	Date Considered
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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/698,924
Sheet	4	of	6	Filing Date	31 Oct 2003
				First Named Inventor	Reddy et al.
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	45198.00047.UTL

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ²	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
	DF	GAO, et al., <i>J. Org. Chem.</i> 53:4081 (1980).	T ³
	DG	GREENE, T.W., <i>Protective Groups in Organic Chemistry</i> , John Wiley & Sons, New York (1999).	
	DH	GORENSTEIN et al., <i>J. Am. Chem. Soc.</i> 5077 (1980).	
	DI	GISH et al., <i>J. Med. Chem.</i> 14, 1159 (1971).	
	DJ	HADVARY et al., <i>Helv. Chim. Acta</i> 69(8), 1862 (1986).	
	DK	HANAOKA et al., <i>Heterocycles</i> 23(11), 2927 (1985).	
	DL	HARADA et al., <i>Tetrahedron Lett.</i> 28:4843 (1987).	
	DM	HAYAKAWA et al., <i>Tetrahedron Lett.</i> 28(20), 2259 (1987).	
	DN	HOËFLER et al., <i>Tetrahedron</i> 56(11), 1485 (2000).	
	DO	HULST et al., <i>Tetrahedron Lett.</i> 1339 (1993).	
	DP	JACOBSEN, E.N. et al., <i>Comprehensive Asymmetric Catalysis</i> (1999).	
	DQ	KOBAYASHI et al., <i>Tetrahedron Lett.</i> 27:4745 (1986).	
✓	DR	LI et al., <i>Tetrahedron Lett.</i> 6615 (2001).	

Examiner Signature	Date Considered
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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/698,924
Sheet	5	of	6	Filing Date	31 Oct 2003
				First Named Inventor	Reddy et al.
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	45198.00047.UTL

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
	DS	MARCH, J. <i>Advanced Organic Chemistry</i> , McGraw Hill Book Company, New York, (1977 edition) pp. 251-259.	T ²
/	DT	MEEK et al., <i>J. Am. Chem Soc.</i> 110(7), 2317 (1988).	
/	DU	MERCKLING et al., <i>Tetrahedron Lett.</i> 2217 (1996).	
/	DV	MOSBO et al., <i>J. Org. Chem.</i> 42, 1549 (1977).	
	DW	MUKAIYAMA, <i>Org. React.</i> 28:203 (1982).	
	DX	NOYORI, R. et al., <i>Asymmetric Catalysis on Organic Synthesis</i> (1994).	
	DY	POSTEL et al., <i>J. Carbohyd. Chem.</i> 19(2), 171 (2000).	
	DZ	RAMACHANDRAN et al., <i>Tetrahedron Lett.</i> 38:761 (1997).	
	EA	RATHORE et al., <i>Indian J. Chem B.</i> 32(10), 1066 (1993).	
	EB	ROODSARI et al., <i>J. Org. Chem.</i> 64(21), 7727 (1999).	
	EC	SAKAMOTO et al., <i>Tetrahedron Lett.</i> 33:6845 (1992).	
	ED	STROMBERG et al., <i>J. Nucleor.</i> 6(5), 815 (1987).	
	EE	TAKAKU et al., <i>Chem. Lett.</i> (5) 699 (1986).	

Examiner Signature	Date Considered
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Sheet	6	of	6	Filing Date	31 Oct 2003
				First Named Inventor	Reddy et al.
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	45198.00047.UTL

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Examiner Initials ¹	Cite No. ²	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ³
	EF	TAKAKU et al., <i>Nippon Kagaku Kaishi</i> (10), 1968 (1985).		
	EG	THOUNG et al., <i>Bull. Soc. Chim. Fr.</i> 667 (1974).		
	EH	TORNEIRO et al., <i>J. Org. Chem.</i> 62(18), 6344 (1997).		
	EI	TURNER et al., <i>J. Org. Chem.</i> 54:4229 (1989).		
	EJ	TURNER et al., <i>J. Org. Chem.</i> 55:4744 (1990).		
✓	EK	VANKAYALAPATI et al., <i>J. Chem. Soc. Perk T 1</i> 14, 2187 (2000).		
	EL	YAMAMOTO et al., <i>Tetrahedron Lett.</i> 37:1871 (1981).		

Examiner Signature	Date Considered
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